

REMARKS

Status of the Claims

Claims 1 and 3-11 are now present in this application. Claim 1 is independent.

Reconsideration of this application is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1 and 3-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier '433 in view of Gautier '528. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicant respectfully submits that independent claim 1 recites a combination of elements in a container blank including, among others, *"wherein the intersections between the front boundary line and a first geometrical line coinciding with a transition between the upper portion and the central portion, the front boundary line and a second geometrical line coinciding with a transition between the bottom portion and the central portion, the rear boundary line and said first geometrical line, and the rear boundary line and said second geometrical line constitute corners of a parallelogram comprising an angle of inclination defined by a lateral side of said parallelogram and the longitudinal axis, said angle being acute towards the bottom portion," "the front boundary line and the intermediate boundary line along the longitudinal axis of the container blank give the central portion an essentially symmetrical, frustoconical shape," "the front boundary line has a concave curvature relative to the central portion, the concave curvature of the front boundary line has an end point at the intersection between the front boundary line and said second geometrical line," and "the intermediate boundary line has a concave curvature relative to the central portion, the concave curvature of the intermediate boundary line has an end point at the intersection between the intermediate boundary line and said second geometrical line."*

Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Gautier '433 and Gautier '528.

The Examiner states that Gautier '433 discloses all of the claimed features except that the intermediate boundary line (4) is rectilinear instead of concave. Applicant respectfully submits

that Gautier '433 fails to teach more than just the claimed concave curvature of the front boundary line.

Applicant respectfully submits that the container blank of Gautier '433 does not disclose that the intersections defined in the feature above constitute corners of a parallelogram. Instead, because the angle α and β are not equal, as shown in marked-up Fig. 4 of Gautier '433 below, a quadrangle having four unequal sides is disclosed.

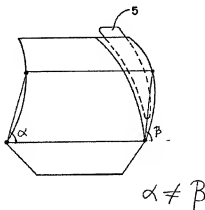


FIG. 4

As noted in a previous response regarding Schwarzkopf, the angled parallelogram shape of the claimed invention compensates for any tendency of a container made of a container blank according to the claimed invention to tilt forwards. Because the tendency towards tilting is reduced, the tendency towards wrinkling along the edge of the container will also be reduced. Thus, a container made of the container blank will be more aesthetically pleasing, easier to handle and the risk of damage due to wear will be reduced. See page 4, line 7 to page 5, line 16 of the present application.

Further, wastage of material when producing the container blanks is reduced due to the parallelogram shape of the container blanks.

If each of the container blanks disclosed by Gautier '433 had a parallelogram shape, the container blanks, when being connected to form a web of container blanks, would fit perfectly into each other, thus minimizing wastage of material. However, as visible in the drawing below, the container blanks in Gautier '433 form a space between each other when arranged side by side. Compare Fig. 3 of the present application to the sketch below showing two container blanks of Gautier.

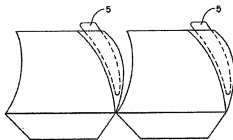


FIG. 4

FIG. 4

Therefore, a considerable amount of waste would be present in using a quadrangle shape over a parallelogram shape.

For at least this reason, Gautier '433 fails to disclose the claimed invention set forth in independent claim 1.

Turning to the combination of Gautier '433 and Gautier '528, Applicant notes that Gautier '528 does not cure the above-noted deficiency of Gautier '433 because Gautier '528 also fails to show the claimed parallelogram shape. Therefore, the hypothetical combination of Gautier '433 and Gautier '528 fails to render independent claim 1 obvious.

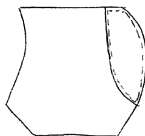
Furthermore, as noted by the Examiner, Gautier '433 does not disclose the feature that "the intermediate boundary line has a concave curvature relative to the central portion, where the concave curvature of the intermediate boundary line has an end point at the intersection between the intermediate boundary lines and said second geometrical line." Rather, Gautier '433 discloses an intermediate boundary line which is rectilinear.

Consequently, because the intermediate boundary line is not concave, Gautier '433 also fails to disclose that "the front boundary line and the intermediate boundary line along the

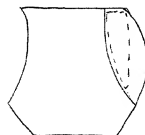
longitudinal axis of the container blank give the central portion an essentially symmetrical, frustoconical shape.”

Moreover, Applicant respectfully submits that substituting the rectilinear, intermediate boundary line of Gautier ‘433 with an intermediate boundary line with a concave curvature as disclosed in Gautier ‘529 is against the teachings of Gautier ‘433 as described below.

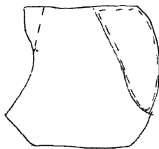
The removable stiffening element in Gautier ‘433, which is arranged in the handle portion of the container, serves both as a handle and a stopper element. See the abstract and Figs. 1, 3, and 5. If the intermediate boundary line were curved, as taught by Gautier ‘433, it would not be possible to remove the stiffening element from the handle portion, as shown in the sketch below. Consequently, it would not be possible to use the stiffening element as a stopper element.



Alternatively, if a first portion of the intermediate boundary line was curved and a second portion was formed to be more rectilinear in order to make it possible to remove the stiffening element from the handle portion, the cavity for the stiffening element would be larger than the stiffening element itself, as shown in the sketch below. Thereby, the stiffening function of the stiffening element would be lost. The container would be difficult to handle and the function of the stiffening element as a handle would be lost.



Finally, if the stiffening element was made larger to fit the larger cavity, the pouring orifice would have to be made larger to fit the stopper element. Thereby, pouring would be more difficult and consequently the user-friendliness of the container would be reduced.



For at least these reasons, Applicant submits that modifying Gautier '433 to change the shape of the intermediate boundary line to a concave curvature in view of Gautier '528 would be against the teachings and the inventive idea of Gautier '433, and a person skilled in the art would not arrive at the present invention by studying Gautier '433 and Gautier '528.

Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Gautier '433 and Gautier '528, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 3-11, Applicant submits that claims 3-11 depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 3-11 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Additional Cited References

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Office Action

The Office Action contains numerous characterizations of the invention, the claims, and the cited art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad D. Wells, Registration No. 50,875 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: March 29, 2010

Respectfully submitted,

By

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